IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1885 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/08/2004 in WP NO: 26343 OF 2003 on the file of the High Court.)

Between:

1 The Chief Managing Director, Andhra Pradesh Central Power Distribution Corporation Limited, Red Hills, Hyderabad.
2 The Superintending Engineer (Operation) Circle, Andhra Pradesh Central Power Distribution Corporation Limited, Head Quarters at Sanga Reddy, Medak District.

APPELLANTS

AND

Ch. Prakash, S/o. Gangaiah, Makkaraj Pet (V&P), Chegunta Mandal, Medak District.

RESPONDENT

Counsel for the Appellants :MR.SAMINENI KISHORE

Counsel for the Respondent : MR.THALAPALLY RAJASHEKHAR

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the Official respondents-appellants herein aggrieved by the order in W.P. No: 26343 of 2003, under which the learned single Judge allowed the said writ petition to the extent indicated therein.

The respondent herein is the writ petitioner. He filed the writ petition in WP.No.26343 of 2003 seeking to declare the impugned action of the appellants in not considering the case of the writ petitioner for the post of LDC as illegal, arbitrary and to direct the appellants to forthwith appoint him as Lower Division Clerk or Typist or to any other suitable post to which he is eligible.

The learned single Judge having set aside the impugned proceedings dated 21-11-2003, allowed the writ petition directing the appellants to verify the service certificate issued by the contractor and countersigned by the official of the Company with reference to the agreement under which the contract labourers are engaged as on 18-5-1997 and consider the case of the writ petitioner for appointment as L.D.C. or in any other suitable post in accordance with B.P.Ms.No.36, dated 18-5-1997 and pass appropriate orders in accordance with law. Having aggrieved by the same, the present writ appeal is preferred by the appellants.

Heard the learned counsel.

We have perused the order impugned and the entire material available on record.

The case of the writ petitioner is that he was working as contract labourer in Manjeera Electrical & Mechanical Engineering Contractor and he worked for the works awarded by the appellants to the contractor and the contractor issued service certificate. It is the further case of the petitioner that as per B.P.Ms.No.36, dated 18-5-1997, he is entitled for absorption in the post of L.D.C. but his case was not considered on the ground that the genuineness of the service certificate could not be established due to lack of corroborating evidence.

Similar question was considered by the learned single Judge in W.P.No.17163 of 2002, in which the learned single Judge has taken a view that the opinion of the Vigilance Cell of the respondent company is without any foundation. The direction issued by the learned single Judge to consider the case of the writ petitioner, is only subject to the verification of the service certificate.

In this view of the matter, the direction issued by the learned single Judge to the appellants to verify the service certificate issued by the contractor and countersigned by the official of the company with reference to the agreement under which the contract labourers are engaged as on 18-5-1997 and consider the case of

the writ petitioner for appointment as L.D.C., or in any other suitable post in accordance with B.P.Ms.No.36, dated 18-5-1997 and pass appropriate orders in accordance with law, is justified and the same does not warrant any interference by this Court. Accordingly, this writ appeal is liable to be dismissed.

In the result, the Writ Appeal is dismissed confirming the order of the learned single Judge. No costs.

_____

Justice T.Meena Kumari

Date : 09th February, 2005

_____

Justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1 The Chief Managing Director, Andhra Pradesh Central Power Distribution Corporation Limited, Red Hills, Hyderabad.
2 The Superintending Engineer (Operation) Circle, Andhra Pradesh Central Power Distribution Corporation Limited, Head Quarters at Sanga Reddy, Medak District.

3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A. No.1885 of 2004

(Judgment delivered by the Honourable

Smt.Justice T. Meena Kumari)

09th February, 2005